

May 16, 2006

The Personnel Review Board met at 6:00 PM on this date to hear the appeal of David Davis who was terminated on April 21, 2006 for violation of Merit System Rules and Regulations-Section 14.05, Group Two, Line 4, which states "Negligence or omission in complying with the requirements as set forth in miscellaneous rules" and Group III Line 6 which states "Insubordination by the refusal to perform work assigned/to comply with written or verbal instructions of the supervisory force".

Board members present were: Bobby Kilcrease, Chairman, Ford Duncan, James Welburn, Danny Redmon, Barbara Mitchell and Billy Sims. Also present were Bubba Roberts, City Manager, James P. Graham, Jr., City, Wallace Hunter, Fire Chief, and Barbara Goodwin, Personnel Director.

Mr. Davis was present and represented by Attorney Brian Polisuk, Danny Todd of the International Association of Firefighters and Thomas Malone, District Field Representative of the International Association of Firefighters.

Chairman Bobby Kilcrease called the meeting to order.

All potential witnesses were sworn in by City Manager Bubba Roberts. Jim Welburn made a motion to go into executive session to discuss the good name and character of the employee. Motion carried and the Board went into executive session. After discussion with the Chairman, Attorney Graham advised that the Board would not reconvene. Witnesses were dismissed to the lobby to wait. Mr. Davis, Mr. Polisuk, Mr. Todd, Mr. Malone and Chief Hunter remained in the conference room to present the case to the Board.

City Manager, Bubba Roberts stated to the Board the charges against Mr. Davis. Mr. Polisuk made an opening statement on the behalf of Mr. Davis and then questioned Mr. Davis in regards to the incident which led up to his dismissal. Mr. Davis was questioned by Attorney Graham. After Mr. Davis' testimony there were no other witnesses presented on behalf of Mr. Davis.

Attorney Graham called individually Deputy Fire Chief Roy Waters, City Manager Bubba Roberts and Personnel Director Barbara Goodwin for questioning. Mr. Polisuk questioned each after Attorney Graham.

Attorney Polisuk and Graham each made a closing statement to the Board.

After all testimony was given the Board privately convened to discuss the appeal. After discussion Chairman Bobby Kilcrease presented the City Manager with the following statement: "5-16-2006 The Personnel Review Committee met on May 16, 2006 to hear the appeal of Firefighter David Davis' termination from his employment with the City of Phenix City due to his violation of the City Merit System Rules and Regulations. After

hearing from all witnesses and Firefighter Davis, the committee unanimously upholds the decision to terminate Firefighter Davis.

Meeting was adjourned at approximately 9:30 PM.

Tape recording of the appeal hearing is made a part of these minutes.

Bobby Kilcrease
Chairman

Barbara Groshow
Secretary